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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,640	11/24/1999	DAVID M. KOTICK	82.174	7957

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EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 11/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/450,640

Applicant(s)

KOTICK ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: On line 9, the period should be replaced with a semi-colon. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-38 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claims 1, 14 and 28, it unclear on lines 20-21 (claim 1), lines 7-8 (claim 14), and lines as to how is possible for the routing of the audio signals to the microphone when the microphone (input device) is not an output device as the speakers are. Furthermore with respect to claims 1 and 17, it is unclear as what is meant by "signal processing unlike that of the balance of the plurality of audio communications systems" on lines 8-9 and 5-6, respectively.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 14-17 and 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Jordan et al (U.S. Patent 6,249,241 B1).

Regarding to claim 14, Jordan discloses an audio communication control system (Fig. 9) comprising a single headset having left speaker, a right speaker, and a microphone for providing an operator with voice transmission (col. 14 lines 35-46); an audio interface ARS for operating between a plurality of audio communications equipment and the single headset (col. 14 lines 54-65), the audio interface providing an electrical connection to the plurality of voice communications systems for operation therewith (col. 15 lines 6-13), the audio interface switching discrete audio communications signals therefrom and routing the audio signals to one of the left speaker, the right speaker, and the microphone of the headset (col. 15 lines 14-19); and an operator control interface 28 (Fig. 10) operable with the audio interface for controlling the routing and switching of the audio signals (col. 15 lines 20-34), the operator control interface including a display for viewing by the operator and manual selection of the discrete audio communication signals to be operated with the single headset (Fig. 11 col. 15 lines 35-60).

Regarding to claim 15, Jordan discloses the audio signals comprises voice signals (col. 13 lines 51-59).

Regarding to claim 16, Jordan discloses a second headset operable with the audio interface for use by a second operator, the second headset being the single headset for the second operator (Fig. 10 col. 15 line 53).

Regarding to claim 17, Jordan discloses the audio communications equipment operable from a plurality of remote locations 1 for communication with a centralized control center 2 (Fig. 1 col. 5 lines 21-32), the communications equipment including a plurality of audio communications systems, wherein at least one of the plurality of audio communications systems includes audio equipment and signal processing unlike that of the balance of the plurality of audio communications systems (Fig. 2 col. 6 lines 12-61).

Regarding to claim 19, Jordan discloses the audio interface comprises a central processing unit operable with the operator control interface for processing control functions thereof (Fig. 9 col. 14 lines 27-53), and wherein the central processing unit receives input from a computer mouse for selection of the routing and switching (Fig. 10 col. 15 lines 23-34).

Regarding to claim 20, Jordan discloses a personal computer operable with the audio interface (Fig. 10 col. 15 lines 29-34); a monitor operable with the personal computer for providing the display, wherein the display includes graphical user display (Fig. 10 col. 15 lines 34-57); and an input device for operation with the operator control interface (Fig. 10 col. 15 lines 58-67).

Regarding to claim 21, Jordan discloses the input device comprises a computer mouse operable with the monitor for selecting the communication system and routing of audio signals to the headset (Fig. 10 col. 15 lines 23-34).

Regarding to claim 22, Jordan discloses the audio interface includes a network control module for sending and receiving network packets of information across a wide area network WAN (Fig. 4B col. 10 lines 1-9).

Regarding to claim 23, Jordan discloses a time encoder operable with a global positioning system for time stamping of audio packets transmitted across the WAN (Fig. 15 col. 16 lines 49-60).

Regarding to claim 24, Jordan discloses the display of the operator control interface comprises a graphical user display including scenario control buttons for selection of a desired virtual frequency channel of the WAN for input to one of the left and right speaker, as desired (Fig. 4B col. 10 lines 10-34).

Regarding to claim 25, Jordan discloses the display of the operator control interface comprises a graphical user display including left and right channel for selection of a desired audio connection to the communication equipment (Fig. 9 col. 15 lines 14-19).

Regarding to claim 26, Jordan discloses the graphical display comprises a graphical user interface display that is reconfigurable to a desired communications system display (Fig. 11 col. 16 lines 1-25).

Regarding to claim 27, Jordan discloses the audio interface includes a digital signal processor for converting analog signal received from the communications equipment into a digital for processing thereof (Fig. 28 col. 22 lines 25-31).

Allowable Subject Matter

6. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-13 and 28-38 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step of or means for “a tactical training system operable with the central control center for interfacing with tactical equipment distributed through the plurality of remote locations, the tactical training system providing a communications connection to a wide area network WAN for communicating with other ships participating in a training exercises”, when the tactical training system is considered within the specific structure of the device recited in claim

1. The prior art of record fails to teach or make obvious the step of or means for “operating the graphical user interface for connection to a second discrete audio communications system and routing a second discrete audio signal to another of the left speaker and right speaker of the single headset and operating the graphical user interface for connection of the microphone of the headset to a third discrete audio

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communications system", when the operating is considered within the specific step of the method recited in claim 28.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD

A handwritten signature in black ink, appearing to be 'S. H. D. NGUYEN', with a long horizontal line extending to the right.

STEVEN H. D NGUYEN
PRIMARY EXAMINER